

Application No. 10/576946
Response to the Office Action dated November 10, 2008

REMARKS

Favorable reconsideration of this application is requested in view of the following remarks.

The specification at page 8, lines 12-17 has been amended as supported by the specification at page 2, lines 4-6 of the original specification as described above.

Claims 5, 19, 21, 23, and 25-28 have been canceled without prejudice.

Claim 1 has been amended to include limitations of original claim 8 and limitations supported by the specification at page 2, lines 4-6 and page 8, lines 12-17. Accordingly, claim 8 has been canceled without prejudice. Claims 10 and 29 have been amended editorially.

The specification has been objected to because of informalities. The specification at page 8, lines 12-17 has been amended to clarify that the SIALON-type compounds that are excluded from the specification are the same as those described at page 2, lines 4-6 in the specification. Accordingly, this objection should be withdrawn.

Claims 1, 2, 5-10, 13, 15, 19, 21, 23, and 25-28 have been rejected under 35 U.S.C. 112, first paragraph, as not complying with the written description requirement. Applicant respectfully traverses this rejection.

Claims 5, 19, 21, 23, and 25-27 have been canceled. Accordingly, the rejection of these claims is moot.

Applicant assumes that the excluded SIALON-type compounds are defined in the specification at page 2, lines 4-6 and page 8, lines 12-17, instead of page 12. Claim 1 has been amended to clarify the structure of the SIALON-type compounds to be excluded from claim 1 as supported by the specification (see page 2, lines 4-6 and page 8, lines 12-17). Therefore, claim 1 includes no new matter, and this rejection is moot.

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Accordingly, this rejection should be withdrawn. Applicant does not concede the correctness of the rejection.

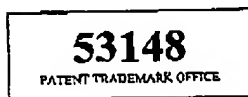
Claims 1, 2, 6, 7, 9, 10, 12-15, 28, and 29 have been rejected under 35 U.S.C. 112, first paragraph, as not complying with the enablement requirement. Applicant respectfully traverses this rejection.

Claim 1 requires that the reaction be carried out by heating. Accordingly, the energy is provided for the reaction in claim 1, and this rejection should be withdrawn.

Claims 1, 2, 6-10, 12-15, 28, and 29 have been rejected under 35 U.S.C. 112, second paragraph, as being indefinite. Applicant respectfully traverses this rejection.

Claim 28 has been canceled. Claim 1 defines the structure of the SIALON-type compounds to be excluded from the claim as the SIALON-type structure represented by a general formula: $M_{p/2}Si_{12-p-q}Al_{p+q}O_qN_{16-q}$ (where M is Ca or Ca combined with Sr; q is 0 to 2.5; and p is 1.5 to 3) as supported by the specification at page 2, lines 4-6 and page 8, lines 12-17. In addition, claim 1 requires that the reaction be carried out by heating. Accordingly, claim 1 is definite, and this rejection should be withdrawn.

In view of the above, Applicant requests reconsideration of the application in the form of a Notice of Allowance.



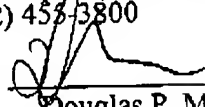
Dated: February 6, 2009

DPM/my/ad

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